

**MINUTES OF THE CITY COMMISSION MEETING
SEPTEMBER 8, 2003**

The City of Leesburg Commission held a regular meeting Monday, September 8, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:32 p.m. with the following members present:

Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Commissioner David Knowles
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
AUGUST 25, 2003**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held August 25, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

PRESENTATION OF SERVICE AWARDS

Police Chief Idell presented a service award to Brian Cash for ten years in the Police Department.

Public Works Director Richards presented a service award to Bill Morris for ten years in Public Works.

CONSENT AGENDA:

Pulled – B14 (Renaming of Pat Thomas Stadium)

Commissioner Puckett moved to approve the Consent Agenda except for item B14 and Commissioner Knowles seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

PURCHASING ITEMS:

1. 03-FB-53 Radio tower re-engineering for Police Dept. awarded to Goff Communication for \$44,330.00.

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2. 03-FB-65 Furniture for Police Dept. awarded a total of \$33,721.00 (Ernie Morris Enterprise for \$26,597 and Interzon Contract Services for \$7,124).
3. Purchase Two (2) Defibrillators for the Fire Dept. awarded to Medtronic Physio-Control for \$26,697.30

RESOLUTIONS:

RESOLUTION 6893

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Goff Communications, Inc for \$44,330.00 pursuant to bid #03-FB-53; and providing an effective date.

RESOLUTION 6894

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Segal Company for actuarial services; and providing an effective date.

RESOLUTION 6895

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with CHPC Leesburg, Ltd., a Florida limited partnership, to extend natural gas services to the Crossings Apartments; and providing an effective date.

RESOLUTION 6896

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Lake County Water Authority, for the purpose of releasing the authority from liability for damage due to dredging of canals in Lake Griffin; and providing an effective date.

RESOLUTION 6897

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Leesburg Partnership, Inc., for the purpose of amending the grant funding agreement for the downtown bathroom facility to extend the completion date; and providing an effective date.

RESOLUTION 6898

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Lake County, a political subdivision of the State of Florida, to provide for leased fiber optic services; and providing an effective date.

RESOLUTION 6899

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Lake County, a political subdivision of the State of Florida, to provide for traffic signal maintenance; and providing an effective date.

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RESOLUTION 6900

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement between the City of Leesburg and Lake County relating to improvements to the Main Street area; and providing an effective date.

RESOLUTION 6901

A resolution the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment to the agreement for grant funding between the City of Leesburg and Boys & Girls Clubs of Lake & Sumter Counties, Inc.; and providing an effective date.

RESOLUTION 6902

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and American Family Life Assurance Company of Columbus (AFLAC) for the development, communications, and administration of the flexible spending account program (Cafeteria Plan) for all eligible employees; and providing an effective date.

RESOLUTION 6903

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a grant application to the Florida Department of Environmental Protection (DEP) for funding through the Florida Recreation Development Assistance program (FRDAP) for funding up to \$50,000 for the purpose of construction a playground at the Sleepy Hollow Recreation Complex; and providing an effective date.

RESOLUTION 6904

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a grant application to the Florida Department of Environmental Protection (DEP) for funding through the Florida Recreation Development Assistance program (FRDAP) for funding up to \$50,000 for the purpose of renovating turf and irrigation to the Susan Street Recreation Soccer/Football Field; and providing an effective date.

RESOLUTION 6905

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Lake County, Leesburg Chamber of Commerce, Lake County Water Authority and B.A.S.S., LLC; providing an effective date.

ADOPTED RESOLUTION 6906 RE-NAMING PAT THOMAS STADIUM

Commissioner Perry introduced this resolution to be read by title only. ACC Richardson read the resolution as follow:

A resolution of the City Commission of the City of Leesburg, Florida, re-naming the "Pat Thomas Stadium" to Pat Thomas Memorial Stadium, Buddy Lowe Field in honor of Charles "Buddy" Lowe; and providing an effective date.

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Commissioner Perry stated he requested this item be pulled to give recognition of Buddy Lowe. Commissioner Perry stated Mr. Lowe is a fixture in Leesburg and has contributed a great amount to fostering kids in a positive manner.

Commissioner Perry moved to approve the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 03-76 ANNEXING APPROXIMATELY 5.05 ACRES OWNED BY BERYL N. STOKES, JR., AND WILLIAM K. STOKES NORTH OF MAIN STREET EAST OF CR 468 AND WEST OF MONTCLAIR ROAD IN SECTION 21-19-24 AND REZONING FROM COUNTY A TO CITY M-1

ACC Richardson read the ordinance by title only:

An ordinance annexing certain property owned by Beryl N. Stokes, Jr., and William K. Stokes, said property consisting of approximately 5.05 acres and being generally located north of Main Street, east of County Road 468, and west of Montclair road, lying in Section 21, Township 19 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County A (agricultural) to City M-1 (industrial); providing that said property shall be placed in Commission District Three; and providing for an effective date.

Commissioner Puckett moved to approve the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the ordinance.

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ADOPTED RESOLUTION 6907 AUTHORIZING EXECUTION OF THE ANNEXATION AGREEMENT WITH BERYL N. STOKES, JR. & WILLIAM K. STOKES FOR APPROXIMATELY 5.05 ACRES IN SECTION 21-19-24

Commissioner Perry introduced the resolution be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an annexation agreement for 5.05 +/- acres between the City of Leesburg, William N. Stokes and Beryl K. Stokes, Jr. as developer; and providing an effective date.

Commissioner Puckett moved to approve the resolution and Commissioner Perry seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT ON PROPERTY LOCATED IN SECTION 30-19-25 ALONG SUNNYSIDE DRIVE (ALVIN SKINNER)

Commissioner Perry introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Alvin M. Skinner and Elizabeth A. Skinner, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 30, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE AMENDING SECTION 22-181 REGARDING UTILITY DEPOSITS

Commissioner Puckett introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance amending §22-181, 22-196, 22-211, 22-232, and 22-246 of the Code of Ordinances of the City of Leesburg, Florida, pertaining to utility deposits; establishing uniform standards and requirements for deposits for all utility services provided by the City of Leesburg; setting deposit amounts and rates; providing for refunds, name changes and transfers; providing for multiple

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locations; providing for payment of interest on deposits; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry stated deposits for new customers will be rising from \$175 to \$275. The new deposit may create hardships on some people. He noted this increase puts the deposit more in line with what is due if the people leave and do not pay their bill.

INTRODUCED AN ORDINANCE CREATING §2-5 OF THE CODE OF ORDINANCES AUTHORIZING CRIMINAL HISTORY RECORD CHECKS FOR CERTAIN CLASSES OF EMPLOYEES OR PROSPECTIVE EMPLOYEES

Commissioner Lovell introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, creating §2-5 of the Code of Ordinances pertaining to employee screening; authorizing pursuant to §166.0442, Fla. Stat (2003) criminal history record checks for certain classes of employees or prospective employees; providing that such employees shall submit fingerprints to facilitate background checks; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell questioned if is a NCIC check. Human Resources Director Jakki Perry stated it is a NCIC check.

INTRODUCED AN ORDINANCE AMENDING §22-271 OF THE CODE OF ORDINANCES AMENDING THE RATE STRUCTURE FOR REUSE WATER AND ADDING A RATE FOR BULK USERS

Commissioner Knowles introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending §22-271 of the Code of Ordinances pertaining to charges for reuse water; amending the rate structure for reuse water; adding a rate for bulk users of reuse water; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry stated he would like a comparison of the old rate with the new rate by the second reading. Environmental Services Director (ESD) Ray Sharp distributed background information. He noted the major changes are the introduction of bulk rate and an adjustment in the exchange rate used (copies attached).

Commissioner Puckett questioned the use in gallons of an average house. Commissioner Perry stated this is not potable water information. ESD Sharp stated the typical residential house uses between 10, 000 to 20,000 gallons a month.

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INTRODUCED AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR THE GENERAL EMPLOYEES; AMENDING SECTION 3, BOARD OF TRUSTEES, TO PROVIDE FOR A POLICE OFFICER TRUSTEE; AND A DEPARTMENT HEAD TRUSTEE TO BE APPOINTED BY THE CITY MANAGER

Commissioner Knowles introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, amending the retirement plan for the general employees for the City of Leesburg, adopted pursuant to Ordinance No. 03-57; amending Section 3, Board of Trustees, to provide for a police officer trustee; providing for a department head to be appointed as a trustee by the City Manager; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

ACC Richardson stated this ordinance is different from what was distributed in the packets. CM Stock stated it has an added trustee to be appointed as a department head to maintain an odd number of trustees and to eliminate the risk of ties.

APPROVED SEVEN DISTRICT TWO PRECINCT VOTING LOCATIONS

Mayor Connelly noted this is the last year the City will have an off-year election and thus he recommends all precincts open.

Commissioner Perry stated having all of them open is a considerable higher expense than having just two open; however, he agrees all precincts should be open in order to get the most participation as possible.

Commissioner Lovell stated he also agreed totally.

Commissioner Perry moved to open all the precincts affected by the upcoming district election for this last year. Commissioner Knowles seconded the motion and it passed unanimously.

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

REPORT ON ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT AT ARLINGTON RIDGE

CM Stock stated the City received a petition on the Bosserman tract located south on 27 and west of Legacy. There will be a public hearing on the 9/22 meeting.

Commissioner Perry asked for an explanation of a Community Development District (CDD). CM Stock stated a Community Development District is a governmental unit created by petition to the local government under which the land is located. If you authorize this creation, you allow the developer to create the unit of government, issue government bonds, etc. used to develop the land. The Villages has a CDD and there are problems. The City needs to be careful as to what is

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allowed as far as utilities and services. Also, need to be careful about the infrastructures done by bond to make sure they benefit the citizen and not the developer.

Commissioner Knowles questioned what services the CDD would supply. CM Stock stated in this case, it would include security as a gated community, roadways within the development, conservation and mitigation, engineering, permitting and contingency. The City will want to add items to that list such as sidewalks, trails, and some public roadway connections as well.

Commissioner Knowles questioned the lifespan of a CDD. CM Stock stated he is not sure if a CDD has a lifespan. The bonds are usually for 20 years. Eventually, the CDD becomes similar to the Homeowners' Association.

Mayor Connelly questioned what percentage of taxation the CDD would be eligible to receive. CM Stock stated he is not sure there is any limit. The ability to assess is based on the ability of the property owners to pay.

CA Morrison stated he is sure there is a statute but is not sure what it says but will look at it prior to the public hearing. He further noted there are some practical considerations that militate against CDDs.

Commissioner Puckett questioned if any wording about ponds and drainage areas would be added. CA Morrison stated St. Johns currently polices this function. The developer needs to put a mechanism in place before allowing a permit to build the facility.

APPROVED INCREASE TO EMPLOYEE'S LIFE INSURANCE BENEFIT

CM Stock stated staff is looking into increasing the life insurance benefit. It was last modified 2 years ago. Currently the City offers a life insurance benefit of \$17,000 for all employees. CM Stock states the benefits to employees should be decided by the elected board. Additional coverage can reduce the dollar amount paid per thousand coverage. Next year the City may want to bid out the life insurance policy.

Commissioner Knowles stated the rate for \$20,000 or \$25,000 will be nearly the same cost as currently.

Commissioner Lovell stated the City needs to do this.

Commissioner Perry stated \$50,000 is too high, but he will agree for the middle of the road.

Mayor Connelly stated \$25,000 would be the happy medium.

CM Stock stated the plan is to give the same benefit across the line. Commissioners Lovell and Perry agreed this is important.

Commissioner Perry moved to approve \$25,000 and to go out to bid next year. Commissioner Knowles seconded the motion and it passed unanimously.

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APPROVED KEEPING CITY OF LEESBURG RETIREE'S HEALTH INSURANCE AT CURRENT RATE

CM Stock stated he sent out notification of significant increases to retirees over the age of 65. Staff is recommending no changes at this time. Staff is requesting a work session at future date when the actuarial report is available and a survey of all Lake County cities is completed on what other retirees pay.

Commissioner Lovell moved to do nothing now and wait until the review and report are available to set a workshop. Commissioner Puckett seconded the motion and it passed unanimously.

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – none

Commissioner Puckett –none

Commissioner Knowles – stated Chuck Johnson told him not to believe anything unless he saw it but he heard Eustis was beaten by Leesburg in football. He was disappointed to hear Miami beat the Gators.

Mayor Connelly – September 11, 2003 has been declared as Patriot Day by the President of the United States. The City will have an observance here at City Hall at 8:30 a.m. and he invited all to come. It will commemorate the bravery and heroism of fallen members.

Commissioner Lovell moved to adjourn the meeting and Commissioner Perry seconded the motion. The meeting adjourned at 6:11 p.m.

Mayor

Attest:

Acting City Clerk

Diane L. Gibson Smith
Recorder

MINUTES 030908